

HOUSE BILL 1103

L2, G1, G2

11r0424

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Council – Land Use Applications – Expansion of**
3 **Ethics Requirements**

4 **PG 401–11**

5 FOR the purpose of prohibiting a member of the Prince George's County Council from
6 voting or participating in proceedings related to certain land use applications,
7 subject to certain exceptions, if a slate to which the member belongs has
8 received certain payments from certain individuals; requiring certain applicants
9 who make certain payments to a slate that includes a member of the County
10 Council to file a certain affidavit; making this Act applicable to payments made
11 to certain campaign finance entities; repealing a certain exception; and
12 generally relating to the expansion of ethics requirements for members of the
13 Prince George's County Council and certain applicants.

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 15–829(a), (f), (g), (l), (m), (o), (p), and (q)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 15–831
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2010 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-829.

2 (a) In this Part IV the following words have the meanings indicated.

3 (f) "Candidate" means a candidate for election to the County Council who
4 becomes a member.

5 (g) "Continuing political committee" means a committee specifically created
6 to promote the candidacy of a member running for any elective office.

7 (l) "Member of the County Council" includes any candidate or person duly
8 elected or appointed who takes the oath of office as a member of the County Council
9 for Prince George's County and who thereby serves on the District Council.

10 (m) "Payment" means any payment or contribution of money or property or
11 the incurring of any liability or promise of anything of value to a treasurer of a
12 candidate or of a continuing political committee.

13 (o) "Political action committee" means a political committee that is not:

14 (1) a political party;

15 (2) a central committee;

16 (3) a slate; or

17 (4) a political committee organized and operated by, and solely on
18 behalf of, an individual running for any elective office or a slate.

19 (p) "Slate" means a group, combination, or organization of candidates created
20 under the provisions of the Election Law Article.

21 (q) (1) "Treasurer" has the meaning provided in § 1-101 of the Election
22 Law Article.

23 (2) "Treasurer" includes a subtreasurer.

24 15-831.

25 (a) An applicant or agent of the applicant may not make a payment to a
26 member of the County Council, or to the County Executive, during the pendency of the
27 application.

28 (b) (1) After an application has been filed, a member of the County
29 Council may not vote or participate in any way in the proceeding on the application if
30 the member's treasurer [or], the member's continuing political committee, **OR ANY**

1 **SLATE TO WHICH THE MEMBER BELONGS** received a payment, during the 36-month
2 period before the filing of the application or during the pendency of the application,
3 from any of the applicants or the agents of the applicants.

4 (2) A member is not subject to the requirements of paragraph (1) of
5 this subsection if:

6 (i) as to the application, no applicant or agent has filed an
7 affidavit naming the member [or], the member's continuing political committee, **OR**
8 **ANY SLATE TO WHICH THE MEMBER BELONGS** as the recipient of a payment; or

9 (ii) 1. a transfer to the member's treasurer [or], continuing
10 political committee, **OR SLATE TO WHICH THE MEMBER BELONGS** was made by a
11 political action committee to which an applicant or agent had made a payment;

12 2. the applicant or agent made the payment to the
13 political action committee without any intent to subvert the purposes of this subtitle;

14 3. the applicant's or agent's payment to the political
15 action committee, and the political action committee's transfer, are disclosed in an
16 affidavit; and

17 4. the transfer is returned to the political action
18 committee by the member, or the payment is returned to the applicant or agent by the
19 political action committee.

20 (c) (1) After an application is filed, the applicant shall file an affidavit,
21 under oath, stating to the best of the applicant's information, knowledge, and belief
22 that:

23 (i) 1. during the 36-month period before the filing of the
24 application and during the pendency of the application, the applicant has not made
25 any payment to the treasurer of a candidate [or], continuing political committee, **OR**
26 **SLATE TO WHICH A CANDIDATE BELONGS**; or

27 2. if any such payment was made, discloses the name of
28 the member to whose treasurer, [or] **TO** whose continuing political committee, **OR TO**
29 **WHOSE SLATE** the payment was made;

30 (ii) 1. during the 36-month period before the filing of the
31 application and during the pendency of the application, the applicant has not solicited
32 any person or business entity to make a payment to the treasurer of a candidate [or],
33 continuing political committee, **OR SLATE TO WHICH A CANDIDATE BELONGS**; or

1 2. if any such solicited payment was made, discloses the
2 name of the member to whose treasurer, [or] **TO** whose continuing political committee,
3 **OR TO WHOSE SLATE** the payment was made; and

4 (iii) 1. during the 36-month period before the filing of the
5 application and during the pendency of the application, a member of the applicant's
6 household has not made a payment to the treasurer of a candidate [or], continuing
7 political committee, **OR SLATE TO WHICH A CANDIDATE BELONGS**; or

8 2. if such a payment has been made, discloses the name
9 of the member to whose treasurer, [or] **TO** whose continuing political committee, **OR**
10 **TO WHOSE SLATE** the payment was made.

11 (2) The affidavit may be filed any time prior to consideration of the
12 application by the District Council, at the discretion of the applicant. However, in no
13 event may the affidavit be filed less than 30 calendar days prior to consideration by
14 the District Council of the application.

15 (3) A supplemental affidavit shall be filed whenever a payment is
16 made after the original affidavit was filed.

17 (4) An applicant has no obligation to make any representations
18 pertaining to the actions of anyone other than that applicant under the affidavit. In
19 the case of business entities, anyone with authority to act on behalf of, and bind, the
20 business entity may execute an affidavit on behalf of the business entity itself.

21 (5) The only disclosures required under the affidavit are those
22 involving individuals or business entities that would be subject to the provisions of
23 this subtitle.

24 (d) (1) An agent shall file an affidavit in an application only if:

25 (i) the agent has acted on behalf of the applicant with regard to
26 the specific application; and

27 (ii) during the 36-month period before the filing of the
28 application and during the pendency of the application, and after becoming an agent of
29 the applicant:

30 1. the agent has made a payment to a candidate [or],
31 continuing political committee, **OR SLATE TO WHICH A CANDIDATE BELONGS**; or

32 2. the agent has solicited any person to make a payment
33 to the treasurer of a candidate [or], a continuing political committee, **OR A SLATE TO**
34 **WHICH A CANDIDATE BELONGS**.

1 (2) Notwithstanding the provisions of paragraph (1)(ii) of this
2 subsection, an agent shall disclose in the affidavit a payment made before becoming an
3 agent if the agent:

4 (i) made the payment by prearrangement or in coordination
5 with one or more applicants; or

6 (ii) acted as an agent as to any other application filed during the
7 36-month period.

8 (e) (1) Except as provided in paragraph (2) of this subsection, a
9 contributor, a member of the County Council, or a political action committee is subject
10 to this Part IV if a payment is made by the contributor or a transfer is made by the
11 political action committee to:

12 (i) the candidate; [or]

13 (ii) the candidate's continuing political committee; **OR**

14 **(III) A SLATE TO WHICH THE CANDIDATE BELONGS.**

15 (2) The provisions of this Part IV do not apply to:

16 (i) [any payment or transfer to a slate, unless the slate is
17 composed solely of candidates or members of the County Council;

18 (ii)] any transfer to the continuing political committee of a
19 candidate or member of the County Council by the continuing political committee of
20 another individual running for elective office; or

21 [(iii)] **(II)** a payment or transfer to the Prince George's County
22 Central Committee, or State Central Committee, of a political party, even if the
23 Central Committee supports a candidate.

24 (3) A person may not make a payment in violation of this Part IV.

25 (f) An applicant or agent may not take any action, directly or indirectly, with
26 the intent to circumvent the intent of this subtitle.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2011.